



Broadcasting Notice of Consultation CRTC 2022-267-3

PDF version

References: 2022-267, 2022-267-1 and 2022-267-2

Ottawa, 20 February 2023

Public record: 1011-NOC2022-0267

Call for comments on an application by Bell Canada, Cogeco Communications Inc., Bragg Communications Incorporated, carrying on business as Eastlink, and Saskatchewan Telecommunications regarding the increase of the maximum retail price of the basic service – Additional information added to the public record and new deadline for the receipt of interventions and the filing of replies

New deadline for the receipt of interventions: 24 February 2023

New deadline for the filing of replies: 27 February 2023

[\[Submit an intervention/comment/answer or view related documents\]](#)

Background

1. On 5 January 2022, Bell Canada, Cogeco Communications Inc., Bragg Communications Incorporated, carrying on business as Eastlink, and Saskatchewan Telecommunications (hereafter the applicants) filed a joint application to increase the current \$25 price cap for the small basic service to \$28, and that it be adjusted on a yearly basis starting on 1 April 2023, based on the annual Consumer Price Index for the period ending 31 December of the preceding calendar year.
2. Following receipt of the application, the Commission sent three different requests for information to each applicant to obtain subscribership numbers relating to their small basic service. This information was largely filed in confidence.
3. On 28 September 2022, the Commission published Broadcasting Notice of Consultation 2022-267 seeking comments on the application. The Commission made other broadcasting distribution undertakings (BDUs) currently required to submit annual aggregate returns¹ parties to the proceeding and required them to file the same information it obtained from the applicants through the above-noted third request for information.

¹ Québecor Media Inc., Rogers Communications Inc., Shaw Communications Inc., and TELUS Communications Inc.

4. On 17 November 2022, the Commission published Broadcasting Notice of Consultation 2022-267-2² and placed the aggregated numbers provided by the applicants in response to the request for information and by the other BDUs made parties to the proceeding on the public record in response to a procedural request by the Forum for Research and Policy in Communications (FRPC). The data was accompanied with the following caveat:

A high degree of variability between the parties' responses was observed and may suggest differing interpretations of the requested information amongst the parties in addition to reflecting differently structured market offerings. The percentage of total subscribers listed as "basic package subscribers" varied by respondent from less than 1% to 100%.

Interventions and replies

5. Only the FRPC and the Public Interest Advocacy Centre commented and/or used the data disclosed in Broadcasting Notice of Consultation 2022-267-2 in their interventions.
6. In its intervention, the FRPC expressed concerns relating to the data published as part of this proceeding. It submitted that elementary data about the basic service, including total basic subscribers, revenues, costs and profits, should have been provided at the outset.
7. In their joint reply to the interventions filed as part of this proceeding, the applicants addressed the purported variability of the data disclosed on the public record.

Commission's analysis

8. The Commission has sought to accurately understand the potential impact of the industry-wide amendments requested in the application. However, the Commission has encountered challenges in obtaining consistent and congruent information.
9. While different approaches to billing structures likely explain some variability in the responses, the Commission considers that BDUs should be required to provide the number of affected subscribers.
10. Accordingly, the Commission sent an additional request for information to all eight parties involved requiring them to provide the number of their subscribers who could, whether immediately or eventually, be subjected to an increase of any kind on their monthly bill as a direct result of an approval of the regulatory amendment sought in the application. This information can be found on the public record of this proceeding on the Commission's website at www.crtc.gc.ca or by using the public record number provided above.

² On 27 October 2022, the Commission published Broadcasting Notice of Consultation 2022-267-1 whereby it extended the deadlines for the receipt of interventions and replies of this proceeding.

11. In response to this request for information, the parties collectively submitted that a minimum of 1,515,708 subscribers could be subjected to an increase in their monthly bill. The Commission notes, however, that multiple parties indicated that they had not yet ruled out applying the increase to other subscriber segments, which could ultimately lead to a greater impact on Canadian BDU subscribers.
12. Given the nature of the new information, the Commission determines that it is appropriate to re-open the intervention period for interested persons and for any party to this proceeding to make submissions regarding this new information.
13. The Commission hereby re-opens the proceeding initiated by Broadcasting Notice of Consultation 2022-267. The deadline to submit interventions in regard to the new information only is **24 February 2023**. Interventions that fall outside the scope of this additional information will not be considered by the Commission. The deadline for the submission of replies is **27 February 2023**.

Secretary General

Related documents

- *Call for comments on an application by Bell Canada, Cogeco Communications Inc., Bragg Communications Incorporated, carrying on business as Eastlink, and Saskatchewan Telecommunications regarding the increase of the maximum retail price of the basic service – Disclosure of aggregated information previously filed in confidence*, Broadcasting Notice of Consultation CRTC 2022-267-2, 17 November 2022
- *Call for comments on an application by Bell Canada, Cogeco Communications Inc., Bragg Communications Incorporated, carrying on business as Eastlink, and Saskatchewan Telecommunications regarding the increase of the maximum retail price of the basic service – Extension to the deadlines for the receipt of interventions and the filing of replies*, Broadcasting Notice of Consultation CRTC 2022-267-1, 27 October 2022
- *Call for comments on an application by Bell Canada, Cogeco Communications Inc., Bragg Communications Incorporated, carrying on business as Eastlink, and Saskatchewan Telecommunications regarding the increase of the maximum retail price of the basic service*, Broadcasting Notice of Consultation CRTC 2022-267, 28 September 2022